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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/052,504 | 01/30/2002 | Matt C. Videtich | GP-302053 2760/54 | 8786 |

7590 09/08/2004

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EXAMINER

DANIEL JR, WILLIE J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2686

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/052,504 | Applicant(s) VIDETICH, MATT C. | |
| | Examiner Willie J. Daniel, Jr. | Art Unit 2686 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on

- a. 04 November 2002

- b. 30 January 2002

is in compliance with the provisions of 37 CFR 1.97 and ^{has been} ~~is being~~ considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al. (hereinafter Uchida) (US 6,127,947).

Regarding Claim 1, Uchida discloses a method for vehicle preference selection monitoring comprising (see col. 2, lines 16-20; col. 19, lines 20-36; Figs. 1-2, 7):

initiating communication between a mobile body communication device (17) which reads on the claimed “mobile communication unit” and a dealer (20) which reads on the claimed “base station”, wherein communication is performed within a information communication system which reads on the claimed “mobile vehicle communication system” (see col. 2, lines

16-20; col. 15, lines 42-45; col. 19, lines 30-51; col. 20, lines 41-51; Figs. 1, 7), where the system communicates via wireless communication to the dealer (20);

requesting at least one vehicle parameter which reads on the claimed “preference setting” from the mobile communication unit (17) (see col. 15, lines 14-20; Figs. 3 “ref. 102”, 7, 15 “ref. 512”);

receiving the vehicle preference setting (parameter) request at the mobile communication unit (17) (see col. 15, lines 32-35; col. 19, lines 26-35; Figs. 3 “ref. 110”, 4);

determining vehicle preference setting (parameter) for the mobile communication unit (17) (see col. 15, lines 32-35, 42-45; col. 18, lines 12-23, 46-67; col. 21, lines 27-36);

transmitting to the base station (20) the vehicle preference setting (parameter) from the mobile communication unit (17) (see col. 15, lines 20-22, 42-45; Figs. 3 “ref. 106”, 4 “ref. 204”); and

receiving the vehicle preference data (parameter) at the base station (20) (see col. 15, lines 20-22, 42-45; Figs. 3 “ref. 109”; 4 “ref. 204”).

Regarding Claim 3, Uchida discloses the method of claim 1 wherein the base station (20) is a dealer (20) which reads on the claimed “call center” (see col. 20, lines 30-36; Fig. 1).

Regarding Claim 4, Uchida discloses the method of claim 1 wherein the base station (20) is an information center (30) which reads on the claimed “third party” (see col. 20, lines 30-36, 41-65; Fig. 1), where the information center communicates via wireless communication with the mobile body communication device (17).

Regarding Claim 5, Uchida discloses the method of claim 1 wherein the vehicle preference setting (parameter) is requested by the mobile communication unit (17) (see col. 22, lines 17-20, 27-35, 41-54; col. 24, lines 44-51; Fig. 9 “ref. 512”).

Regarding Claim 6, Uchida discloses the method of claim 1 wherein the vehicle preference setting (parameter) is determined by an electronic control unit (12) which reads on the claimed “module” (see col. 19, lines 31-54; col. 24, lines 44-51; Figs. 2, 7, 8, 11-12).

Regarding Claim 7, Uchida discloses the method of claim 1 wherein the vehicle preference setting (parameter) is determined from an E²PROM (14) which reads on the claimed “memory” (see col. 14, lines 14-21, 48-51; col. 15, lines 18-20; col. 27, lines 26-30, 57-58; Figs. 2, 11, 12).

Regarding Claim 8, Uchida discloses the method of claim 1 further comprising appending at least one vehicle attribute to the vehicle preference setting (parameter) (see col. 18, lines 46-56; col. 24, lines 32-37, 55-61; col. 27, lines 26-30; Fig. 6 “ref. 408”).

Regarding Claim 9, Uchida discloses the method of claim 1 further comprising appending at least one system diagnostic to the vehicle preference setting (parameter) (see col. 1, lines 46-49; col. 24, line 64 - col. 25, line 17).

Regarding Claim 10, Uchida discloses the method of claim 1 further comprising appending at least one vehicle predetermined values which reads on the claimed “default setting” to the vehicle preference setting (parameter) (see col. 14, lines 47-51; col. 27, lines 26-30), where the audio, for example, has preset radio list (see col. 20, line 11 “Table 1”).

Regarding Claim 11, Uchida discloses the method of claim 1 further comprising appending at least one user log-in ID which reads on the claimed “identifier” to the vehicle

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preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-31; col. 22, lines 17-26), where the user of the system has a log-in ID and information is stored for the registered user according to the parameters set by the user.

Regarding Claim 12, Uchida discloses the method of claim 1 further comprising appending information registered which reads on the claimed "subscriber information" to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-35), where the information is stored according to the registered user and the information is changed as the newest information.

Regarding Claim 13, Uchida discloses the method of claim 1 further comprising storing the received vehicle preference setting (parameter) in a memory device (46, 36, 26) which reads on the claimed "database" (see col. 13, lines 24-27, 40-43, 63-65; col. 14, lines 18-21; Figs. 3 "ref. 110", 5 "ref. 312").

Regarding Claim 14, Uchida discloses a system for vehicle preference selection monitoring comprising (see col. 2, lines 16-20; col. 19, lines 20-36; Figs. 1-2, 7):

means for initiating communication between a mobile communication unit (17) and a base station (20), wherein communication is performed within a mobile vehicle communication system (see col. 2, lines 16-20; col. 15, lines 42-45; col. 19, lines 30-51; col. 20, lines 41-51; Figs. 1, 7), where the system communicates via wireless communication to the dealer (20);

means for requesting at least one vehicle preference setting (parameter) from the mobile communication unit (17) (see col. 15, lines 14-20; Figs. 3 "ref. 102", 7, 15 "ref. 512");

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means for receiving the vehicle preference setting (parameter) request at the mobile communication unit (17) (see col. 15, lines 32-35; col. 19, lines 26-35; Figs. 3 “ref. 110”, 4);

means for determining vehicle preference setting for the mobile communication unit (17) (see col. 15, lines 32-35,42-45; col. 18, lines 12-23,46-67; col. 21, lines 27-36);

means for transmitting to the base station (20) the vehicle preference setting from the mobile communication unit (17) (see col. 15, lines 20-22,42-45; Figs. 3 “ref. 106”, 4 “ref. 204”); and

means for receiving the vehicle preference data at the base station (20) (see col. 15, lines 20-22,42-45; Figs. 3 “ref. 109”; 4 “ref. 204”).

Regarding Claim 15, Uchida discloses the system of claim 14 further comprising means for appending at least one vehicle attribute (parameter) to the vehicle preference setting (parameter) (see col. 18, lines 46-56; col. 24, lines 32-37,55-61; col. 27, lines 26-30; Fig. 6 “ref. 408”).

Regarding Claim 16, Uchida discloses the system of claim 14 further comprising means for appending at least one system diagnostic to the vehicle preference setting (parameter) (see col. 1, lines 46-49; col. 24, line 64 - col. 25, line 17).

Regarding Claim 17, Uchida discloses the system of claim 14 further comprising means for appending at least one vehicle default setting to the vehicle preference setting (parameter) (see col. 14, lines 47-51; col. 27, lines 26-30), where the audio, for example, has preset radio list (see col. 20, line 11 “Table 1”).

Regarding Claim 18, Uchida discloses the system of claim 14 further comprising means for appending at least one user identifier to the vehicle preference setting (parameter)

(see col. 14, lines 48-51; col. 21, line 30-31; col. 22, lines 17-26), where the user of the system has a log-in ID and information is stored for the registered user according to the parameters set by the user.

Regarding Claim 19, Uchida discloses the system of claim 14 further comprising means for appending subscriber information to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-35), where the information is stored according to the registered user and the information is changed as the newest information.

Regarding Claim 20, Uchida discloses the system of claim 14 further comprising means for storing the received vehicle preference setting (parameter) in a database (46) (see col. 13, lines 24-27, 40-43, 63-65; col. 14, lines 18-21; Figs. 3 “ref. 110”, 5 “ref. 312”).

Regarding Claim 21, Uchida discloses a ROM (56) which reads on the claimed “computer readable medium” storing a computer program (see col. 13, lines 18-32; 36-48; col. 13, line 59 - col. 4, line 4; col. 14, lines 14-21; Figs. 1, 2, 11-12) comprising:

program which reads on the claimed “computer readable code” for initiating communication between a mobile communication unit and a base station, wherein communication is performed within a mobile vehicle communication system (see col. 2, lines 16-20; col. 15, lines 42-45; col. 19, lines 30-51; col. 20, lines 41-51; Figs. 1, 7), where the system communicates via wireless communication to the dealer (20);

computer readable code for requesting at least one vehicle preference setting from the mobile communication unit (17) (see col. 15, lines 14-20; Figs. 3 “ref. 102”, 7, 15 “ref. 512”);

computer readable code for receiving the vehicle preference setting request at the mobile communication unit (17) (see col. 15, lines 32-35; col. 19, lines 26-35; Figs. 3 “ref. 110”, 4);

computer readable code for determining vehicle preference setting for the mobile communication unit (17) (see col. 15, lines 32-35,42-45; col. 18, lines 12-23,46-67; col. 21, lines 27-36);

computer readable code for transmitting to the base station the vehicle preference setting from the mobile communication unit (17) (see col. 15, lines 20-22,42-45; Figs. 3 “ref. 106”, 4 “ref. 204”); and

computer readable code for receiving the vehicle preference data at the base station (20) (see col. 15, lines 20-22,42-45; Figs. 3 “ref. 109”; 4 “ref. 204”).

Regarding Claim 22, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one vehicle attribute to the vehicle preference setting (parameter) (see col. 18, lines 46-56; col. 24, lines 32-37,55-61; col. 27, lines 26-30; Fig. 6 “ref. 408”).

Regarding Claim 23, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one system diagnostic to the vehicle preference setting (parameter) (see col. 1, lines 46-49; col. 24, line 64 - col. 25, line 17).

Regarding Claim 24, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one vehicle default setting to the vehicle preference setting (parameter) (see col. 14, lines 47-51; col. 27, lines 26-30), where the audio, for example, has preset radio list (see col. 20, line 11 “Table 1”).

Regarding Claim 25, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending at least one user identifier to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-31; col. 22, lines 17-26), where the user of the system has a log-in ID and information is stored for the registered user according to the parameters set by the user.

Regarding Claim 26, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for appending subscriber information to the vehicle preference setting (parameter) (see col. 14, lines 48-51; col. 21, line 30-35), where the information is stored according to the registered user and the information is changed as the newest information.

Regarding Claim 27, Uchida discloses the computer readable medium of claim 21 further comprising computer readable code for storing the received vehicle preference setting (parameter) in a database (46) (see col. 13, lines 24-27, 40-43, 63-65; col. 14, lines 18-21; Figs. 3 “ref. 110”, 5 “ref. 312”).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (hereinafter Uchida) (US 6,127,947) in view of Lee et al. (hereinafter Lee) (US 6,728,531 B1).

Regarding Claim 2, Uchida discloses wherein the vehicle preference setting includes audio ECU (12B) parameter which reads on the claimed radio receiver preference setting (see col. 19, line 48; col. 19, line 66 - col. 20, line 13; Fig. 7). Uchida fails to disclose having the feature a satellite radio receiver. However, the examiner maintains that the feature a satellite radio receiver was well known in the art, as taught by Lee.

In the same field of endeavor, Lee discloses the feature a digital audio broadcast receiver (100) which reads on the claimed "satellite radio receiver" (see col. 2, lines 29-35; col. 5, lines 50-55; col. 6, lines 60-67; col. 7, lines 52-56; col. 8, lines 28-35; Figs. 1-3, 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Uchida and Lee to have the feature a satellite radio receiver, in order to having receive digital audio broadcasts via satellite, as taught by Lee.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
05 September 2004


8/12/04
LESTER G. KINCAID
PRIMARY EXAMINER